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EXAMINER
NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/976,836	HUNTER ET AL.
	Examiner	Art Unit	
	CUONG H. NGUYEN	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 June 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This Office Action is the answer to the amendment filed on 9/17/2003.

2. Claims 1-10 are pending in this application. Independent claims 1-2 are amended. Claims 6-10 are added.

RESPONSE

- 3. The arguments of amended claims (submitted on 6/04/04) are not persuasive. The subject matter of "using a security level" (based on barcode, personal information, boarding passes, smart card .etc.), to verify or to give access to a person is obvious with Dean et al. (US Pat. 6,055,512), Bravman et al. (US Pat. 5,866,888 - the abstract and Fig.10), Stone et al. (US Pat. 6,466,045), HITACHI LTD (DERWENT-ACC-NO: 2001-613216), and YAMAZAKI (DERWENT-ACC-NO: 1997-238053). That level is analogous to a "confident level" teaching in cited reference of Mann et al. because all related information of passenger are communicated through a CENTRAL COMPUTER 402 and an AIRLINE would use that related information to verify a boarding passenger at a check-in gate (see Mann et al., Fig.6, ref. 612, 616); furthermore, it is not inventive to claim that - a security level MUST be given by a third party - because that factor is not significant for matching concerned information.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35

U.S.C. 112:
The specification shall conclude with one or more claims
particularly pointing out and distinctly claiming the subject
matter which the applicant regards as his invention.

4.   Claims 1-2 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly

point out and distinctly claim the subject matter which

applicants regard as the invention.

- Amended lines (in the last paragraph of claim 1, and in

the next to last paragraph of claim 2) should be – –

generating a security check-in clearance – – instead of

"generating a security rating" to match with a scope of

these 2 claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in

this Office Action:
        (a) A patent may not be obtained though the invention is not
identically disclosed or described as set forth in section 102 of
this title, if the differences between the subject matter sought
to be patented and the prior art are such that the subject matter
as a whole would have been obvious at the time the invention was
made to a person having ordinary skill in the art to which said
subject matter pertains. Patentability shall not be negatived by
the manner in which the invention was made.

5.   Claims **1- 4, 9** are rejected under 35 U.S.C. 103(a) as

obvious over **Mann** et al. (US Pat. 6,119,096).

A. As to Claim 1:   **Mann** et al., teach a processing system, comprising:

- a product database including information corresponding to an order number assigned to each product offered through the system by multiple participating merchants (see **Mann** et al., Figs. 1a, 4, 7, 9c);

- a customer database including a customer information set for each system customer, said information set including customer identification information, customer address information and method of payment information (see **Mann** et al., Figs. 1a, 4, 7, 9a);

- a customer interface for receiving incoming product orders from customers who have connected to the system via a system address and for identifying each customer placing an order (see **Mann** et al., Figs. 1a, 2, 7);

- means employing information from the customer database for matching each incoming customer order to the customer information set for that customer (see **Mann** et al., 5:11 to 6:26):

- means employing information from the product/merchant database for matching each incoming customer order to a participating merchant (see **Mann** et al., Figs. 1a, 4, 7); and

- means for communicating processed orders to the participating merchant that provides the ordered product;

wherein the participating merchants include an airline and
the product offered comprises check-in security clearance
for customers (see **Mann** et al., Fig.9c, 1:39-45, 2:53-57,
and 17:52-58).

- in response to said order, said airline provides a multi-
digit code to a customer as an ID (see **Mann** et al., 16:1-5,
and 16:31-35).

Although Mann et al. do not disclose "exact" claimed
language, it would be obvious to one of ordinary skill in
the art that **Mann** et al. sufficiently suggest claim 1's
limitations because Mann et al. teach all structural
components that make-up the claimed system, artisans would
appreciate that system may be used for matching and to order
a flight ticket from an airline.

B. As to Claims 2-3: **Mann** et al. teach a method permitting
customers to use an order processing system of claim 1 to
provide customer identification information to security
personnel at an airport; therefore, a rejection on
obviousness with the same rationales and rejection set forth
as in claim 1 are applied.

Mann et al., suggest a method permitting customers to
use an order processing system to order products, said
method comprising:

establishing accounts between an order processing
system and participating airlines/merchants (see **Mann** et

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al., Figs. 1a, 9c); assigning an order number to by the

participating airline (see **Mann** et al., Fig. 1a); (please

note that establishing accounts and assigning order numbers

would be done by registration module #108);

establishing a customer database for each customer,

including customer's identification, customer's address

information and method of payment information (e.g., using

VISA or Master Card or personal check etc. to pay for that

air flight ticket) (see **Mann** et al., Fig. 1a); (please note

that establishing database with particular info. would also

be done by registration module #108);

- each customer, when desiring to place a product

order, utilizing a system address to establish contact with

the system and entering the order number for the product

desired (see **Mann** et al., the structural relationship

between customers and such system would be similar to

structural relationships in Figs.1a, 5-6; 3:48-59; and 6:28-

43).

- identifying/checking each customer and employing

information from database (see **Mann** et al., Figs. 1a, 3, 5);

(please note that identifying users to match order numbers

would be done by module #502);

- communicating processed orders to participating

airlines; and the air-flight ticket comprises check-in

security clearance for a customer (see **Mann** et al.,

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structural-block relationships in Fig.4, 1:39-45, 2:54-57,

and 17:52-58).

Note: **Mann** et al. disclose about verifying the identity of

the customer desiring entry, in the Abstract. 1:39-45,

2:54-58, 17:52-58.

About a claimed feature of "the customer identification

information in the customer database includes digital

photographs of customers", **Mann** et al. also disclose, in

5:3-6 about "full facial image"); and a passenger's

identification in an airline's database is suggested in

5:29-45.

About "monitoring activities associated with individual

customers and cross referencing the activities of customers

to generate a customer security rating that is communicated

to the public transportation site or public venue for use by

security personnel at the site or venue", **Mann** et al. also

disclose, in Brief Summary Text portion 1:39-45 (Para. 7):

"Airlines similarly depend on tickets to determine who will be allowed

to board an aircraft. Unauthorized resale of tickets and security

concerns about allowing unidentified persons on board an aircraft has

recently led the Federal Aviation Administration, and airlines, to

require that passengers show identification when checking in, in

addition to a ticket.",

or in Brief Summary Text portion (Para. 17) 2:54-58:

"Another important object of the invention is to provide an improved

biometric ticket less identification system which facilitates making

airline reservations, checking in, and boarding of aircraft and provides enhanced verification and enhanced security features".

Mann et al. disclose in Detailed Description Text portion (Para. 61) 17:52-58: "As another feature of the invention, shown in block 618, shortly before departure of the aircraft, the system may automatically generate a list of passengers who checked luggage but who did not actually enter the aircraft, based on biometric scan records at the gate. Any "unaccompanied luggage" may then be removed from the cargo hold as a security measure.").

Although Mann et al. do not disclose exactly claimed language, it would be obvious to one of ordinary skill in the art that **Mann** et al. sufficiently suggest claim 2-3's limitations because Mann et al. teach how to use each component in Mann et al.'s system for providing customer identification information using stored information and an air flight ticket to security personnel at an airport.

6. As to Claim **4**: The rationales and references for rejection of claim 3 are incorporated.

Mann et al. further teach the customer identification information in the customer database includes digital photographs of customers.

i.e., customers ' full facial images, (see **Mann** et al., 5:3-7).

7. As to Claim **9**: The rationales and references for rejection of claim 3 are incorporated.

Mann et al. teach a method further comprising the steps of

providing the individual customer with a multi-digit code for the customer (see Mann et al., 16:1-5, and 16:31-35), and at time of check-in, an agent entering the multi-digit code into a computer which confirms the prior verification of identity.

The examiner submits that Mann et al. teach of a user code or a special code associating with a user account wherein that code was provided to a customer.

It would be obvious to one with ordinary skill in the art to implement Mann et al.'s aircraft security method including a step of providing a customer with a random multi-digit code at time of check-in, so that an agent entering the multi-digit code into a computer which confirms the prior verification of identity. This step would increase a security level for information verification.

8.   Claims 5, 8 are rejected under 35 U.S.C. 103(a) as obvious over Mann et al. (US Pat. 6,119,096), in view of Weisenborn (US Pat. 5,142,469).

The rationales and references for rejection of claim 3 are incorporated.

Mann et al. also teach a method including a step of monitoring information associated with individual customers using databases and matching methods.

Mann et al. do not disclose about <u>applying artificial
intelligence</u> engines to cross-reference activities of
multiple customers.

However, **Weisenborn** <u>applies an artificial intelligence</u>
engine (i.e., a knowledge-based artificial intelligent
translator program 400) for cross-reference searching (by
utilizing a cross reference list 430), (see **Weisenborn** 4:25-
40).

It would be obvious to one with ordinary skill in the
art to implement Mann et al.'s aircraft security method with
Weisenborn's teaching of "<u>applying artificial intelligence</u>
engines to cross-reference activities of multiple customers"
to generate a customer security rating that is communicated
to an airport for use by security personnel because this
would use an available means to provide a quick and
efficient result for recognize an individual in a short
time.

9.   Claims **6-7** are rejected under 35 U.S.C. 103(a) as
obvious over **Mann** et al. (US Pat. 6,119,096), in view of
Weisenborn (US Pat. 5,142,469), and further in view of the
Official Notice.

A.   <u>As to Claim **6**</u>: The rationales and references for
rejection of claim 5 are incorporated.

Mann et al. also teach a method of monitoring
activities associated with an individual customer.

Mann et al. and Weisenborn do not disclose about monitoring recent travel activities of a customer.

However, the Official Notice is taken here that "recent travel activities of a customer" is a non-functional descriptive material. These specific activities are obvious to implement in Mann et al.'s method that monitoring a customer's information/activities because Mann suggested to monitor other information that is known to both a traveler and an airline (e.g., through frequent-mileage programs in a certain airlines) (see **Mann** et al., 8:28-32).

It would be obvious to one with ordinary skill in the art to implement Mann et al.'s aircraft security method with the Official Notice of "monitoring recent travel activities of the customer" because this would give extra reliable information for identification about an individual's historical activities to the authority besides using a passenger iris recognition system for automatically checked in for the flight.

B. As to Claim 7: The rationales and references for rejection of claim 5 are incorporated.

Mann et al. teach a method, wherein the step of monitoring activities associated with individual customers.

Mann et al. and Weisenborn do not disclose about receiving data from security agencies.

However, the Official Notice is taken here that "receiving data from security agencies" is merely an act of receiving information, where the data come from does not contribute to that receiving step, and do not contribute to an inventive concept when claiming "receive data" (e.g., receiving info. from a credit agency) (see **Mann** et al., 10:1-10, and 17:4-7).

It would be obvious to one with ordinary skill in the art to implement Mann et al.'s aircraft security method with Weisenborn and the Official Notice of "receiving data from security agencies" because this would provide a step of receiving information for identification about an individual's activities from an authority besides receiving other information.

10. Claim **10** is rejected under 35 U.S.C. 103(a) as obvious over **Mann** et al. (US Pat. 6,119,096), in view of **Rivonelli** et al. (US Pat. 6,246,975).

Mann et al. teach a method, further comprising the step of generating a probability of risk associated with the individual customer.

Mann et al. do not disclose about generating a probability of risk associated with the individual customer.

However, Rivonelli et al. analogously teach about a relationship of probability density function (pdf) with risk (See **Rivonelli**, 20:57-62).

It would be obvious to one with ordinary skill in the art to implement Mann et al.'s aircraft security method with Rivonelli et al.'s <u>generating a probability of risk</u> associated with an individual to provide an accurate prediction about that air flight passenger's status because artisans recognize that this would be beneficial to security of that venue.

Conclusion

11. Claims **1-10** are unpatentable.

12. <u>Note</u>: eBay.com in view of the Official Notice also teach limitations in claims 4-5 because:

A. Claim **4** with a feature of "digital photographs of customers" are analogous to old and well-known photograph IDs, it would require less consideration of alternatives. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to consider fewer choices among the communication devices because this would require less mental effort in the consideration of alternatives.

B. Claim **5** contains a concept of monitoring activities associated with individual customers to generate a customer security rating are analogous with FBI files where similar works have been done with criminal/terrorist suspects. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to consider similar works have been used for security purposes.

13. As another example of sufficiently analogy to claimed concept, **eBay.com** – an Internet auction house – also used an automated order processing system permitting customers who have already provided customer information to the system to order selected products from a vast array of products offered by multiple participating merchants, said system comprising:

product/merchant database means (connected to the web site, which retrieved product information by URL), including information corresponding to an order number assigned to each product (e.g. monitor, telescope, etc.) offered through the system (over the Internet) by multiple participating merchants, each order number identifying a unique product and an associated merchant offering the product;

a customer database (required in order to look up the customer information by customer number) including a customer information set for each system customer, said information set including customer identification, customer address information, and method of payment information (e.g. credit card number and expiration date);

means (the Internet) for receiving incoming product orders from customers who have connected to the system via a system address (e.g. www.onsale.com) and for identifying each customer placing an order;

means employing information from the customer database for matching each incoming customer order to the customer information set for that customer;

means employing information from the product/merchant database for matching each incoming customer order to a participating merchant (see invoice); and

means (computer, e-mail system, or alternatively, invoice lookup program invoice.exe) for communicating customer information to the participating merchant that provides the ordered product.

eBay.com obviously has a product database describing the products for sale. The database comprises information supplied by participating merchants (people who want to sell things). The information are obviously accessed by product information order numbers that identify unique product information packages (web pages, created from portions of the database) and the participating merchant associated with each package. In other words, the web pages/(email address) describing each relating product are accessed using a unique URL with a query that contains this "identification".

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to allow the merchant to supply the information describing the products because the seller is in the best position to know

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the most information about the product being sold, since the

seller typically has possession of the product.

eBay.com obviously suggests the features of the

invention as described, but fails to indicate that either

photograph ID of customer could be used for recognition.

However, FBI have been used photo ID to recognized suspects.

It would have been obvious at the time the invention was

made to a person having ordinary skill in the art to

substitute a voice recognition system for the computer

system of eBay.com for the sale of items because a telephone

system with voice recognition is an art-recognized

equivalent for a computer system to put in item sales or

purchase information to effect the sale of an item.

14.   THIS ACTION IS MADE FINAL because the applicants'

arguments are unpersuasive. Applicants are reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final

action is set to expire THREE MONTHS from the mailing date

of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened

statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a)

will be calculated from the mailing date of the advisory

action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose number is 703-305-4553. The examiner can normally be reached on 7am-3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JEFFREY A. SMITH can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

Cuonghnguyen

CUONG H. NGUYEN
Primary Examiner
Art Unit 3625